



Staff Report

ADOPTION OF ORDINANCE AMENDMENTS WITH MINOR REVISIONS TO BELMONT MUNICIPAL CODE, CHAPTER 14, MOTOR VEHICLES AND TRAFFIC, ARTICLE I

Honorable Mayor and Council Members:

Summary

Attached is the Ordinance introduced by the City Council at the meeting of October 11, 2005. As directed by the Council, prior Section 14-15(d), which allowed taller vehicles under certain circumstances, has been deleted to be consistent with state law. In addition, it has now been clarified that Sections 14-14 and 14-15 apply both to public streets and public rights-of-way.

Staff recommends adopting the ordinance at tonight's meeting.

Background & Discussion

The City Council has now had numerous meetings and obtained public input regarding modifications to Belmont Municipal Code Chapter 14, Motor Vehicles and Traffic. The Ordinance was introduced at the October 11, 2005 meeting and is now ready for adoption, with minor revisions as noted above.

Fiscal Impact

Staff has not identified any significant fiscal impact from these amendments.

Public Contact

Posting of City Council agenda.

Recommendation

Staff recommends that the Council adopt the ordinance as modified at tonight's meeting.

Alternatives

The City Council may wish to direct staff to pursue one of the following alternatives:

1. Further modify the ordinances prior to introduction.

Attachments

- A. Belmont Municipal Code Chapter 14, with changes as directed at the October 11, 2005 meeting.

Respectfully submitted,

Marc L. Zafferano
City Attorney

ATTACHMENT A

Belmont Municipal Code Chapter 14,
with changes as directed at the October 11, 2005 meeting.

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 14, MOTOR VEHICLES AND TRAFFIC
OF THE BELMONT CITY CODE

The City Council of the City of Belmont does ordain as follows:

SECTION 1: Chapter 14, Motor Vehicles and Traffic, of the Belmont City Code is hereby amended to read as follows:

Chapter 14

MOTOR VEHICLES AND TRAFFIC

ARTICLE I. IN GENERAL

Sec. 14-1. Regulations saved from repeal.

Nothing contained in this Code or in the ordinance adopting this Code shall be construed to repeal or otherwise affect the traffic regulations of the city, and said regulations, as amended from time to time, are hereby continued in full force and effect except to the extent that they may be in conflict with the provisions of this Code.

The traffic regulations saved from repeal by the above section are on file in the office of the city clerk.

Sec. 14-2. Race tracks or racing prohibited.

(a) It shall be unlawful for any person to operate or to sponsor a race track for vehicles propelled by internal combustion engines or to participate in or take any part in the operation of such a race track or in any race involving any such vehicles, within the city.

(b) Any violation of this section is hereby declared to be a public nuisance, and upon order of the city council, the city attorney shall immediately initiate proceedings necessary for the abatement or enjoyment of such violation in the matter provided by law.

Sec. 14-3. Operation on hillsides.

It shall be unlawful for any person to drive or operate any vehicle propelled by an internal combustion engine up or down a hillside with a grade of twenty-five (25) percent or more at the place where such person drives or operates such vehicle except upon an established road, street or highway sufficient in width and design to accommodate a four-wheeled vehicle. It shall further be unlawful to operate a vehicle as defined on public or private undeveloped property unless said operation is in conjunction with the construction of improvements pursuant to the validly issued excavation or building permit. The intent of this section is to protect the natural vegetation, prevent soil erosion and preserve the landscape qualities of the community. This section shall not apply to emergency police or fire equipment, other city equipment or the equipment of utility companies.

Sec. 13-3.1. Parking on hills.

No person driving, or in control of, or in charge of a motor vehicle shall permit it to stand on any highway, road, public right-of-way or street unattended when upon any grade exceeding three (3) percent within any business or residence district without blocking the wheels of the vehicle by turning them against the curb or by turning the front wheels to the fullest away from the road or by other means.

Sec. 14-4. Soliciting tow or other service, parking tow truck at accident scene.

(a) No person shall, at the location of any vehicular accident, collision or other catastrophe or calamity, solicit or offer the sale of any tow service, or the sale of any other services.

(b) No vehicles equipped for use as tow trucks shall be parked within five hundred (500) feet from the location of any vehicular accident, collision or other catastrophe.

(c) The prohibitions contained in this section shall apply from the time of the happening of any of the aforesaid occurrences until a reasonable time thereafter, and at all times while law

enforcement officers, public health personnel, emergency personnel, and other persons discharging duties imposed by law, are actively engaged in the performance of duty at the location of any such occurrence.

Sec. 14-5. Operation of vehicular tow.

(a) No more than one vehicular tow truck shall be parked on the public right-of-way in front of any dwelling unit in a single-family residential district or each building in a multiple-family residential district.

(b) No maintenance of any vehicles shall be permitted on streets or public rights-of-way in residentially zoned districts.

(c) Tow trucks shall not tow wrecked or disabled vehicles to any streets within a residentially zoned district unless said vehicle is being towed to the registered owner's residence.

Sec. 14-6. Performing work on vehicles or equipment.

(a) No person or business shall perform or permit the performance of work on vehicles or equipment on the city right-of-way or street on Old County Road in the City of Belmont.

(b) The performance of work on vehicles or equipment shall be defined as washing, polishing, sanding, cleaning, repairing or any maintenance of parts or equipment.

Sec. 14-7. Off-street parking on the city right-of-way on Old County Road.

(a) No vehicles may be parked on the city right-of-way on Old County Road between the hours of 8:00 p.m. and 6:00 a.m.

(b) Limited parking is permitted on the right-of-way between the hours of 6:00 a.m. and 8:00 p.m. providing such vehicles must be parked in such a manner to provide a minimum of a three-foot clearance between the curb and the parked vehicle.

Sec. 14-8. Penalty for violation of sections 14-6, 14-7.

Violation of sections 14-6 and 14-7 shall be an infraction punishable as follows:

- (a) A fine not exceeding one hundred dollars (\$100.00) for a first violation
- (b) A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same ordinance within one (1) year.
- (c) A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same ordinance within one (1) year.

Sec. 14-9. Excessive acceleration of motor vehicles.

It is unlawful for any person operating a motor vehicle within the city to so accelerate the same as to cause audible noise by tire friction on pavement or to cause the tires of said vehicle to leave skid marks upon the pavement, except when such acceleration is reasonably necessary to avoid a collision. Any person violation this section shall be guilty of an infraction which shall be punishable to the extent of the laws of this state for infractions.

Sec. 14-10. Use of streets for storage of vehicles.

(a) No vehicle shall be parked or left standing upon any street, alley or public right-of-way for more than seventy-two (72) consecutive hours. For purposes of this section, a vehicle shall be considered to have been parked for seventy-two (72) or more consecutive hours if it has not been moved one-tenth of a mile, by odometer reading, or more during the seventy-two-hour period.

(b) Violation of this section is an infraction.

Sec. 14-11. Removal of vehicles in violation of this Code.

Any vehicle found in violation of this Code or any ordinance regulating parking on city streets, alleys, public rights-of-way or other public property for seventy-two (72) or more consecutive hours in violation of this article may be removed to a storage garage designated by the city pursuant to Vehicle Code section 22651.

Sec. 14-12. Stopping, standing, or parking of vehicles on city-owned real property or garages.

(a) When an authorized sign or signs are erected and in place giving notice that parking as indicated by such a sign is prohibited or restricted, no person shall stop, stand or park a vehicle upon any such city-owned real property, right-of-way or parking garage or portion thereof in such city in disregard of such sign or signs.

(b) The city council may, by resolution from time to time, designate that city-owned real property or garages or portions thereof upon which parking is prohibited or restricted in accordance with this section and in any such resolution shall require the erection and maintenance upon every such city-owned parking lot or garage or portion thereof designated for prohibition or regulation of parking or limitation a sign or signs appropriate to inform the public of the applicability of this section.

(c) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by an imprisonment in the county jail not exceeding sixty (60) days or by both such fine and imprisonment, and each day upon which a violation of this section is continued or maintained shall constitute a separate offense hereunder and be punishable as such. In addition, any vehicle found in violation of this section or any resolution of the city may be removed to a storage garage designated by the city pursuant to California Vehicle Code section 22651.

Sec. 14-13. Emergency parking.

(a) The council finds that during the Belmont and/or Chamber of Commerce Festival and during other public gatherings and celebrations that traffic congestion resulting therefrom can and does impede the flow of traffic and interfere with the delivery of city services including police and fire services. This congestion also creates safety hazards for pedestrians and sight distance

impairment for other vehicles. To address these important health and safety concerns the council finds it necessary to allow for the alteration of parking restrictions during these events so as to improve the flow of traffic, reduce congestion and insure the efficient delivery of police and fire protection.

(b) Whenever the police chief determines that an emergency exists or is imminent due to traffic congestion which is likely to result from public or private assemblages, gatherings or functions, the police chief shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is time restricted or prohibited on such streets and alleys as he or she shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the police chief shall cause such signs to be removed promptly thereafter.

(c) When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

Sec. 14-14. Restricted on-street parking-General regulations.

(a) Commercial vehicles of any type with the exception of three-quarter-ton, half-ton or small pickup-type trucks shall not be parked on city streets or public right-of-ways at any time, except as provided under Sections 22507 and 22507.5 of the California Vehicle Code.

(b) No vehicle, recreational vehicle, commercial vehicle, camper, camper shell, or mobile home of any type shall be used for temporary or permanent human habitation, including sleeping, while parked on any public street or public right-of-way.

(c) Recreational vehicles, trailers, boats, boat or personal watercraft trailers, or any combination thereof may be parked upon a public street or public right-of-way in accordance with all

posted regulations and in a safe manner for a maximum of seventy-two consecutive hours for loading, unloading, cleaning, and routine maintenance and repair purposes. The seventy-two hour loading and unloading periods shall not occur more than two times in any fourteen-day period on any public street, portion thereof, or right-of-way shall not be consecutive and shall not be in addition to a ten-day visitor parking period.

Trailers of any kind may only be parked upon a public street or right-of-way if attached to a motor vehicle.

(d) Camper shells or any other related camper equipment shall not be placed or stored upon any public street or public right-of-way.

Sec. 14-15. Restricted on-street parking-Visitor parking for size-regulated vehicles--Loading and unloading.

(a) Vehicles which are over six feet six inches, in height or more than twenty-five feet in length shall not be parked on any public street or-right of way except for a maximum of seventy-two consecutive hours for loading, unloading, cleaning, and routine maintenance and repair purposes only or with permission of the police department for the purpose of visitor parking which shall only be allowed for a maximum period of ten days. The seventy-two hour loading and unloading periods shall not occur more than two times in any fourteen-day period on any public street, portion thereof or right-of-way, shall not be consecutive and shall not be in addition to a ten-day visitor parking period.

(b) Vehicles which are over six feet six inches in height or more than twenty-five feet in length shall not be parked within ten feet of any driveway curb cut on the side of the driveway of approaching traffic.

(c) Vehicles which are over six feet six inches in height or more than twenty-five feet in

length shall not be parked within fifty feet of any intersection curb return on the side of approaching traffic except on streets with a single outlet or on intersection approaches which are controlled by a stop sign or a "STOP" marking on the pavement.

(d) Vehicles which are over six feet six inches or more than twenty-five feet in length shall not be parked within seventy-five feet of any intersection curb return on any streets which have a speed limit of thirty-five miles per hour or greater.

ARTICLE II. NOTICE AND PROMISE TO APPEAR.

Sec. 14-16. Required.

If any person is arrested for a violation of this chapter or any regulation saved from repeal by this chapter and such person is not immediately taken before a magistrate as is more fully set forth in the Penal Code of the state, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged and the time and place where and when such person shall appear in court.

Sec. 14-17. Notice to show time for appearance.

The time specified in the notice to appear must be at least five (5) days after such arrest.

Sec. 14-18. Notice to specify place to appear.

The place specified in the notice to appear shall be before a judge of municipal court within the county, if the offense charged is alleged to have been committed therein and who has jurisdiction of the offense and who is nearest and most accessible with reference to the place where the arrest is made.

Sec. 14-19. Promise to appear.

The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person in order to secure release must give his written promise to appear in court by signing

the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

Sec. 14-20. Delivery of notice to magistrate; action thereon.

(a) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his judgment, in accordance with the provisions of section 1275 of the Penal Code of the state, will be reasonable and sufficient for the appearance of the defendant and shall endorse upon the notice a statement signed by him in the form set forth in section 815A of the Penal Code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited and may in his discretion order that no further proceedings shall be had in such case.

(b) Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to section 1463 of the Penal Code of the state.

Sec. 14-21. Grounds for issuance of arrest warrant.

No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment or to comply with the terms and provisions of the judgment as required by law.

Sec. 14-22. Violation of promise to appear prohibited.

Any person willfully violating his written promise to appear in court given pursuant to this article is guilty of a misdemeanor regardless of the disposition of the charge upon which he was

originally arrested.

Sec. 14-23. Procedure on violation of promise to appear.

Whenever any person signs a written promise to appear at the time and place specified in the written promise to appear in accordance with this article and has not posted bail as provided in this article, the magistrate shall issue and have delivered for execution a warrant for his arrest either within twenty (20) days after his failure to appear as promised or, if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date on which he promised to appear, then within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

In accordance with section 853.3 of the Penal Code of the state, when such person violates his promise to appear before an officer authorized to accept bail other than a magistrate, that officer shall immediately deliver to the magistrate having jurisdiction over the offense charge, the written promise to appear and the complaint, if any, filed by the arresting officer.

Sec. 14-24. Penalty.

Every person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment in the county jail for not more than thirty (30) days or by both such fine and imprisonment.

Secs. 14-25-14.35. Reserved.

ARTICLE III. TRUCK ROUTES AND WEIGHT LIMITATIONS

DIVISION 1. GENERALLY

Sec. 14-36. Reserved.

Sec. 14-37. Approval of transfer of streets from city jurisdiction required.

No street or highway under the jurisdiction of the city for the purposes of this article shall be transferred out of the jurisdiction of the city without approval at a regular municipal election by a majority of voters of the city.

Sec. 14-38. Authority to weigh trucks to determine compliance.

Any police officer shall have the authority to require any person driving or in control of any truck on any public street or highway in the city to proceed to any public or private scale available for the purpose of weighing and determining whether this article has been complied with.

Sec. 14-39. Penalty for violation of regulations.

Any person violating the provisions of this article shall be subject to the General Penalty Provisions of the Municipal Code Section 1-8.

Secs. 14-40-14-45. Reserved.

DIVISION 2. TRUCK TRAFFIC ROUTES

Sec. 14-46. Designated.

The following streets are hereby declared to be truck traffic routes for the movement of vehicles exceeding a maximum gross weight, including load, of eight (8) tons, hereinafter called "trucks," and the city manager is hereby authorized and directed to designate such streets by appropriate signs as "truck route." Such streets are particularly designated as follows:

- (a) All of Old County Road within the city.
- (b) O'Neill Avenue from its intersection with Old County Road to its intersection with Kedith Street .
- (c) All of Ralston Avenue within the city except that the maximum gross weight of any truck and load moving along or on Ralston Avenue is limited to thirteen (13) tons.

Sec. 14-47. Direction of signs; state approval of routes not under exclusive jurisdiction of city.

Whenever any provision of any ordinance designates or describes any street or streets or portions thereof as a street or streets the use of which is permitted by any commercial vehicle or by any vehicle exceeding the maximum gross weight of eight (8) tons, the city manager is hereby authorized to designate such street or streets or portions thereof by approaching signs as "truck traffic routes" for the movement of commercial vehicles and vehicles exceeding the maximum gross weight limit of eight (8) tons. No such ordinance shall be effective with respect to any highway which is not under the exclusive jurisdiction of the city or, in the case of any state highway, until such proposed ordinance has been submitted by the city council to and approved in writing by the department of public works of the state.

Sec. 14-48. Operation of trucks on other than truck traffic routes prohibited generally.

No person shall operate any truck having a gross weight, including load, in excess of thirteen (13) tons on Ralston Avenue west of El Camino Real in the city or in excess of eight (8) tons on any other street in the city, except on those streets specified in section 14-46, subject to the exceptions hereinafter provided. For the purpose of this section, the word "truck" shall include the words "motor truck," "truck-tractor" and "trailer" as such terms are defined in sections 410, 655 and 630 of the Vehicle Code of the state. Notwithstanding any provision of this article, no person shall operate a tractor-trailer dump truck on any residential street of twenty-four (24) feet or less in width, or a ten (10) wheeler dump truck on any residential street of twenty (20) feet or less in width.

Sec. 14-49. Trips from outside with destination outside city.

(a) Outside Destination. All trucks entering the city for a destination point outside the city shall operate only over a truck route as established by section 14-46.

(b) Inside Destination Point. All trucks entering the city for a destination point in the city shall enter the city only on an established truck route and shall proceed only over an established truck

route and shall deviate only at the intersection with the street nearest to the destination point. Upon leaving the destination point the deviating truck shall return to the nearest truck route by the shortest route.

Sec. 14-51. Trips from outside with multiple destinations inside city.

All trucks entering the city for multiple destination points shall enter the city only on established truck routes, shall proceed only over established truck routes and shall deviate only at the intersection with the street nearest to the first destination point. Upon leaving the first destination point a deviating truck shall proceed to all other destination points by the shortest route. Upon leaving the last destination point the deviating truck shall return to the nearest truck route by the shortest route.

Sec. 14-52. Trips from inside to outside city.

(a) To Outside Destination Point. All trucks on a trip originating in the city and traveling in the city for a destination point outside the city shall proceed by the shortest route to the nearest truck route as herein established.

(b) To Inside Destination Point. All trucks on a trip originating in the city and traveling in the city for destination points in the city shall proceed to such destination points by the shortest route.

Sec. 14-54. Inapplicability of regulations to certain trucks.

Nothing in this article shall be construed as applying to any truck coming from a truck traffic route as defined in section 14-46 having ingress and egress by direct route to and from streets on which truck traffic is restricted as herein provided when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on streets other than truck traffic routes or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon a street

other than a truck traffic route for which a building permit has previously been obtained or to any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility or to any school bus or any authorized emergency vehicle as defined in section 165 of the Vehicle Code of the state or to any vehicle which is subject to the provisions of sections 1031 and 1037 inclusive in the Public Utilities Code of this state or to any vehicle owned or operated by the city while engaged in the repair, maintenance or construction of streets, street improvements or public utilities.

Secs. 14-55-14-60. Reserved.

DIVISION 3. LIMITED TRUCK ROUTES

Sec. 14-61. Exceeding limitations authorized.

Notwithstanding any other provisions of this article, vehicles having a gross weight exceeding the maximum gross weight limits herein set forth may be permitted along the streets herein called "limited truck routes," not designated by approaching signs as "truck traffic routes," by obtaining a hauling permit from the public works department under the following conditions and provisions.

Sec. 14-62. Permit required; application required.

Any person desiring to operate any vehicle having a gross weight, including load, exceeding the maximum gross weight limits herein set forth along any restricted street shall obtain a permit therefor and shall file an application for the permit with the director of the public works department or his designee. The application shall set forth the following information:

(a) A full identification and the residence and business address of the applicant; if the applicant is the agent or employee of any person for whose benefit the permit is requested, this fact with the full identification of such person and business and residence address.

(b) The facts constituting the necessity for operating a vehicle along or upon the restricted streets in excess of the gross weight limits herein set forth.

(c) The dates on which the operation is intended to be commenced and completed and the times of day during which operation is intended to be conducted.

(d) The route which applicant proposes to use over public streets or private property.

(e) The time interval between vehicles and the number of vehicles per hour which will travel over the route for which the permit is applied.

(f) Such further information as the director of public works or his designee may require.

Sec. 14-64. Investigation of application; action thereon.

Immediately upon the filing of an application for a permit to haul, one copy of such application shall be transmitted to the director of public works or his designee and one copy to the chief of police. The director of public works or his designee shall make or have made an investigation of the facts stated in the application and within fifteen (15) days from the date of filing such application shall either grant a permit with or without modification, as hereinafter set forth, or deny the same in whole or in part.

Sec. 14-65. Conditions for granting permit.

The application for a permit hereunder shall be granted by the director of public works or his designee only if he finds as follows:

(a) That the public health, safety or welfare require the operation of vehicles in excess of the weight limits herein set forth and the use of the route applied for or such modification thereof as it may be deemed advisable;

(b) That the hauling over the route specified will not be injurious to the public health, safety or welfare;

- (c) That the city will be duly protected from liability for injury to persons and property;
- (d) That the city will be indemnified from injury to the public streets and other places by reason of the use thereof for such operation.

Sec. 14-66. Deposit required.

Applicants for a permit shall, at the time of application, deposit as security for the payment of the fees specified in section 14-67 a sum of money as established in the City's Master Fee Schedule.

Sec. 14-67. Permit fee.

Upon issuance of a permit, the permittee shall pay to the city a permit fee established in the City's current Master Fee Schedule for the issuance of the hauling permit. No permit shall be valid until such fee is paid.

Sec. 14-68. Surety bond may be required.

The director of public works or his designee shall require, as a condition to the granting of any permit hereunder, that the applicant deposit with the city such sum in cash as may be required or a surety bond in an amount to be fixed and in form to be specified by the director of public works or his designee, insuring to the benefit of the city, guaranteeing that applicant will faithfully perform all of the conditions and requirements specified in the permit and will repair to the satisfaction of the city and reimburse the city for any damage caused to city streets or other city property by the proposed operation of vehicles in excess of weight limits or hauling or transportation of material or equipment. Such bond shall be executed by a surety or sureties approved by the director of public works or his designee as being sufficient in financial responsibility.

Sec. 14-69. Insurance required.

The director of public works or his designee shall also require as a condition to the granting of any such permit that the applicant deposit with the city a certificate or policy of a responsible

insurance company showing that the city, its elective and appointive boards, officers, agents and employees and the public are insured in amounts hereinafter specified against any loss or damage arising directly from the operation of the applicant or any person acting in his behalf in carrying on any operation connected directly or indirectly with the hauling for which such permit is issued . Such policies of insurance shall be as follows:

(a) Public liability insurance. In an amount not less than one million dollars (\$1,000,000.00) for injuries, including but not limited to accidental death to any one person, and, subject to the same limit for each person in an amount of not less than one million dollars (\$1,000,000.00) on account of one occurrence.

(b) Property damage insurance. In an amount of not less than one hundred thousand dollars (\$100,000.00).

Sec. 14-70. Annual or continuing bond and insurance.

With the approval of the director of public works or his designee, the applicant may deposit the aforesaid surety bonds and policies of insurance on an annual or continuing basis to cover one or more permits for hauling in the same or different locations.

Sec. 14-71. Establishment of routes.

The director of public works or his designee shall establish the route or routes over restricted streets which all vehicles subject to the permit shall travel and such vehicles shall travel only directly over such route or routes as may be directed by the director of public works or his designee to be least dangerous to public safety and which shall cause the least interference with general traffic and the least damage to public streets.

Sec. 14-72. Additional restrictions on permit.

In granting the permit, the director of public works or his designee shall also specify the

following:

(a) The gross weight limit of each truck or vehicle which shall be authorized to haul under the permit.

(b) The number of trucks per hour which shall be permitted to travel over the route specified.

(c) Such other terms and conditions as may be required to properly administer the exercise and use of the permit.

(d) The applicant is required to notify public works department and police department forty-eight (48) hours prior the commencement of hauling.

(e) In addition to the above, if earthen materials are to be hauled, the following requirements shall be part of every permit:

- Trucks shall be loaded in such a manner that there shall be no spillage;
- That there shall be sprinkling of all loads for dust control, when necessary;
- That the City streets shall be kept clean of spillage and wheel dirt;
- That two-way routes shall be specified in the permit;
- That the permitted speed of the trucks shall be specified;
- That crossing guards shall be provided at the expense of the applicant when necessary, in the opinion of the chief of police.

(f) If more than fifty (50) yards of material will be hauled, then the permit applicant shall be required to notify all property owners within a three hundred (300) foot radius of the date and time that the hauling will take place.

Sec. 14-73. Permit revocation.

Any permit granted hereunder may be revoked or suspended by the director of public works

or the chief of police or their designees for failure to comply with any of the terms of this division or the terms of such permit, by mailing notice in writing to the permittee at the address shown in the application or by personal service of such written notification upon permittee. The revocation or suspension shall be effective upon service of the same. In the event of revocation or suspension of a permit, the permittee may appeal to the city council by filing written notice of appeal within five (5) days of service of the notice of revocation or suspension. If, as the result of an appeal hearing the city council reinstates the permit, it may impose such conditions as required for the protection of the health, safety and general welfare of the public.

Sec. 14-74. Permit expiration; supplemental permits.

In the event that any hauling for which a permit has been granted hereunder is not commenced within ten (10) business days after the date of issuance of such permit, or in the event that such hauling is at any time abandoned for a period of five (5) consecutive business days, or not completed within the number of days allowed for hauling in excess of weight limits as specified in the hauling permit and/or grading permit, such permit shall automatically expire without notice and no further operation of vehicles in excess of such limits shall be made; however, the conditions expressed in such permit shall remain binding upon the person to whom such permit was issued and all legal and equitable remedies shall be available against him for any breach thereof. In such events herein set forth an application for a supplemental permit to continue the operation of vehicles in excess of such weight limit may be filed setting forth all the information required for the original application and not contained therein. No further filing fee shall be required, but if such supplemental permit is issued, the applicant shall pay the fee prescribed in section 14-67. The director of public works or his designee may dispense with any further investigation if in his opinion the information furnished by the original investigation is

sufficient to enable him to determine whether the supplemental permit should be issued and upon what conditions, if any.

Sec. 14-75. Compliance with other regulations.

Nothing in this division or in any permit granted hereunder shall be deemed to authorize the doing or omission of any act contrary to any term or provision of this division or any other ordinance or license of this city or without any license or permit otherwise required by such term, provision, ordinance or license.

Secs. 14-76-14-81. Reserved.

DIVISION 4. HAULING EARTH OR OTHER CONSTRUCTION MATERIALS

Sec. 14-82. Provisions declared alternative.

The authority granted and the procedure provided by this division is an alternative to any other authority or procedure provided by this article.

Sec. 14-83. Permit authorized.

Notwithstanding any other provision of this article, the director of public works or his designee of the city may issue a permit allowing vehicles to exceed the maximum gross weight limits herein set forth on any street in the city for the purpose of hauling a maximum of five hundred (500) cubic yards per single building site per year, of earthen or other material required to be moved in connection with the construction or alteration of a work of improvement under the following conditions and improvements.

Sec. 14-84. Permit application required.

Any person desiring to operate any vehicle having a gross weight, including load, to exceed the maximum gross weight limits herein set forth along any restricted street shall file an application in triplicate for a permit to do so with the director of public works or his designee, the

original of which shall be verified. The application shall set forth the following information:

- (a) A full identification and the residence and business address of the applicant; if the applicant is the agent or employee of any person for whose benefit the permit is requested, this fact with the full identification of such person and business and residence address.
- (b) The facts constituting the necessity for operating a vehicle along or upon the restricted streets in excess of the gross weight limits herein set forth.
- (c) The dates on which the operation is intended to be commenced and completed and the times of day during which operation is intended to be conducted.
- (d) The route which applicant proposes to use over public streets or private property.
- (e) The time interval between vehicles and the number of vehicles per hour which will travel over the route for which the permit is applied.
- (f) Such further information as the director of public works or his designee may require.

Sec. 14-86. Investigation, action on application.

Immediately upon the filing of an application for a permit to haul, one copy of such application shall be transmitted to the director of public works and one copy to the chief of police or their designees. The director of public works or his designee shall make or have made an investigation of the facts stated in the application and within fifteen (15) days from the date of filing such application shall either grant a permit with or without modification, as hereinafter set forth, or deny the same in whole or in part.

Sec. 14-87. Conditions for granting permit.

The application shall be granted by the director of public works or his designee, if he finds as follows:

(a) That the public health, safety or welfare require the operation of vehicles in excess of the weight limits herein set forth and the use of the route applied for or such modification thereof as it may be deemed advisable;

(b) That the hauling over the route specified will not be injurious to the public health, safety or welfare;

(c) That the city will be duly protected from liability for injury to persons and property;

(d) That the city will be indemnified from injury to the public streets and other places by reason of the use thereof for such operation.

Sec. 14-88. Deposit required.

Applicants for a permit shall, at the time of application, deposit as security for the payment of the fees specified in section 14-89, a sum of money as established in the City's Master Fee Schedule.

Sec. 14-89. Permit fee.

Upon issuance of a permit, the permittee shall pay to the city a permit fee established in the City's current Master Fee Schedule for the issuance of the hauling permit . No permit shall be valid until such fee is paid.

Sec. 14-90. Surety bond required.

The director of public works or his designee shall require, as a condition to the granting of any permit hereunder, that the applicant deposit with the city such sum in cash as may be required or a surety bond in the amount to be fixed and in form to be specified by the director of public works or his designee, insuring to the benefit of the city, guaranteeing that applicant will faithfully perform all of the conditions and requirements specified in the permit and will repair to

the satisfaction of the city, and reimburse the city for any damage caused to city streets or other city property by the proposed operation of vehicles in excess of weight limits or hauling or transportation of material or equipment. Such bond shall be executed by a surety or sureties approved by the director of public works or his designee as being sufficient in financial responsibility.

Sec. 14-91. Insurance required.

The director of public works or his designee shall also require as a condition to the granting of any such permit that the applicant deposit with the city a certificate or policy of a responsible insurance company showing that the city, its elective and appointive boards, officers, agents and employees and the public are insured in amounts hereinafter specified against any loss or damage arising directly from the operation of the applicant or any person acting in his behalf in carrying on any operation connected directly or indirectly with the hauling for which such permit is issued. Such policies of insurance shall be as follows:

(a) Public liability insurance. In an amount not less than one million dollars (\$1,000,000.00) for injuries, including but not limited to accidental death to any one person, and, subject to the same limit for each person in an amount of not less than one million dollars (\$1,000,000.00) on account of one occurrence .

(b) Property damage insurance. In an amount of not less than one hundred thousand dollars (\$100,000.00).

Sec. 14-92. Annual or continuing bond and insurance.

With the approval of the director of public works or his designee, the applicant may deposit the aforesaid surety bonds and policies of insurance on an annual or continuing basis to cover one or more permits for hauling in the same or different locations.

Sec. 14-93. Route.

The director of public works or his designee shall establish the route or routes over restricted streets which all vehicles subject to the permit shall travel, and such vehicles shall travel only directly over such route or routes as may be directed by the director of public works or his designee to be least dangerous to public safety and which shall cause the least interference with general traffic and the least damage to public streets.

Sec. 14-94. Additional permit restrictions.

In granting the permit, the director of public works or his designee shall also specify the following:

- (a) The gross weight limit of each truck or vehicle which shall be authorized to haul under the permit.
- (b) The number of trucks per hour which shall be permitted to travel over the route specified.
- (c) Such other terms and conditions as may be required to properly administer the exercise and use of the permit.
- (d) The applicant is required to notify public works department and police department forty-eight (48) hours prior the commencement of hauling.
- (e) In addition to the above, if earthen materials are to be hauled, the following requirements shall be part of every permit:
 - Trucks shall be loaded in such a manner that there shall be no spillage;
 - That there shall be sprinkling of all loads for dust control, when necessary;
 - That the City streets shall be kept clean of spillage and wheel dirt;
 - That two-way routes shall be specified in the permit;

- That the permitted speed of the trucks shall be specified;
- That crossing guards shall be provided at the expense of the applicant when necessary, in the opinion of the chief of police.

(f) If more than fifty (50) yards of material will be hauled, then the permit applicant shall be required to notify all property owners within a three hundred (300) foot radius of the date and time that the hauling will take place.

Sec. 14-95. Permit revocation, suspension authorized; appeal.

Any permit granted hereunder may be revoked or suspended by the director of public works or the chief of police or their designees for failure to comply with any of the terms of this division or the terms of such permit, by mailing notice in writing to the permittee at the address shown in the application or by personal service of such written notification upon permittee. The revocation or suspension shall be effective upon service of the same. In the event of revocation or suspension of a permit, the permittee may appeal to the city council by filing written notice of appeal within five (5) days of the service of the notice of revocation or suspension. If, as the result of an appeal hearing the city council reinstates the permit, it may impose such conditions as required for the protection of the health, safety and general welfare of the public.

Sec. 14-96. Permit expiration; supplemental permits.

In the event that any hauling for which a permit has been granted hereunder is not commenced within ten (10) business days after the date of issuance of such permit, or in the event that such hauling is at any time abandoned for a period of five (5) consecutive business days, or not completed within the number of days allowed for hauling in excess of weight limits as specified in the hauling permit and/or grading permit, such permit shall automatically expire without notice and no further operation of vehicles in excess of such limits shall be made;

however, the conditions expressed in such permit shall remain binding upon the person to whom such permit was issued; and all legal and equitable remedies shall be available against him for any breach thereof. In such events herein set forth an application for a supplemental permit to continue the operation of vehicles in excess of such weight limit may be filed setting forth all the information required for the original application and not contained therein. No further filing fee shall be required, but if such supplemental permit is issued, the applicant shall pay the fee prescribed in section 14-89. The director of public works or his designee may dispense with any further investigation if in his opinion the information furnished by the original investigation is sufficient to enable him to determine whether the supplemental permit should be issued and upon what conditions, if any.

Sec. 14-97. Compliance with other regulations.

Nothing in this division or in any permit granted hereunder shall be deemed to authorize the doing or omission of any act contrary to any term, or provision of this division or any other ordinance or license of this city or without any license or permit otherwise required by such term, provision, ordinance or license.

ARTICLE IV. RESTRICTED ON-STREET AND OFF-STREET PARKING AREAS FOR USE BY
DISABLED PERSONS ONLY.

Sec. 14-98. Reserved.

Sec. 14-99. Restricted off-street parking areas for use by disabled persons only.

(a) The city engineer and/or any person in lawful possession of an off-street parking facility may designate stalls or spaces in an off-street parking facility owned or operated by the city or person for the exclusive use of vehicles which display a distinguishing license plate or a placard issued to disabled persons pursuant to CVC section 9105 or 22511.5. Such designation shall be made

by posting immediately adjacent to, and visible from, each stall or space, a sign consisting of a profile view of a wheelchair with occupant in white on a blue background.

(b) Any regularly employed and salaried officer of the police department of this city may cause the removal, from a stall or space designated for physically handicapped persons in an off-street parking facility owned and/or operated by the city, to the nearest public garage, of any vehicle not displaying one of the distinguishing placards or license plates specified in subsection (a) above if there is posted immediately adjacent to, and visible from, such stall or space, or if there is posted, in a conspicuous place at each entrance to the off-street parking facility, not less than seventeen (17) by twenty-two (22) inches in size with lettering not less than one (1) inch in height, a sign which clearly and conspicuously states the following:

Unauthorized vehicles not displaying distinguishing placards or license plates issued for physically handicapped persons will be towed away at owner's expense. Towed vehicles may be reclaimed at (address) or by telephoning (telephone number of local law enforcement agency)."

(c) The owner or person in lawful possession of an off-street parking facility, after notifying the city police department, may cause the removal from a stall or space designated for physically handicapped persons in such facility to the nearest public garage, of any vehicle not displaying one of the distinguishing placards or license plates specified in subsection (a) above, if signs are posted as described in subsection (b) above.

Sec. 14-100-14-150. Reserved.

ARTICLE V. SKATEBOARDS, SKATES, SCOOTERS, BICYCLES, ELECTRONIC PERSONAL ASSISTIVE MOBILITY DEVICES AND SIMILAR VEHICLES

Sec. 14-151. Prohibited.

Bicycles, skateboards, motorized skateboards, scooters, motorized scooters, roller skates,

in-line skates and similar vehicles, electronic personal assistive mobility devices defined as a self-balancing, non-tandem two-wheeled device that can turn in place and is designed to transport one or more persons, with an electronic propulsion system, or similar vehicles, are prohibited:

- (a) On any sidewalk, street, alley, parking lot, park, trail, or other public place, designated by resolution of the city council and where signs are in place giving notice thereof.
- (b) In those areas designated by resolution of the city council, signage shall be posted in a conspicuous place indicating that operation of the above-referenced vehicles is prohibited within that area.
- (c) This prohibition shall not apply to any bikeway designated as such by resolution of the city council.
- (d) Wheelchairs and other similar vehicles for the transportation of the handicapped, baby carriages, and strollers for transportation of young person, handcarts and other similar vehicles used for delivery of personal property or used in construction are excluded from this prohibition.
- (e) No person shall operate any of the above-referenced vehicles in a reckless manner within the city.

For purposes of this section, “reckless” shall mean operation of the above-referenced vehicles in willful or wanton disregard for the safety of persons or property and specifically includes, but is not limited to, the following specific conduct:

- (1) Operation at a speed greater than reasonable or prudent having due regard for weather, visibility, pedestrian and vehicular traffic and the condition of the vehicle;
- (2) Operation in such a manner as to result in loss of control of the vehicle;

(3) Operation in such a manner as to result in a collision or accident involving any vehicle, property, or pedestrian;

(4) Operation when an operator is under the influence of any alcoholic beverage or drug as those terms are defined in California Vehicle Code section 23152; or

(5) Operation in such a manner as to endanger life, limb, or property of any person.

(f) Any person using any of the above-referenced vehicles shall yield the right of way to and not interfere with pedestrian traffic.

Sec. 14-152. Exceptions.

The provisions of this section shall not apply to any of the above-referenced vehicles operated by any peace officer employed by the city and acting within the course and scope of his or her employment.

Section 14-153. Penalty for violation of section 14-151.

Any person violating the provisions of this article shall be subject to the General Penalty Provisions of this Code Section 1-8.

Secs. 14-154–14-159. Reserved.

SECTION 2: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or

unconstitutional.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

Introduced this _____ day of _____, 2005.

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PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2005.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

Mayor of the City of Belmont

ATTEST:

Clerk of the City of Belmont